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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,560	06/28/2007	Makoto Kosugi	90606.617/ym	6252

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EXAMINER

ADAMS, TASHIANA R

ART UNIT

PAPER NUMBER

3611

NOTIFICATION DATE

DELIVERY MODE

11/14/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/591,560	<b>Applicant(s)</b> KOSUGI ET AL.	
	<b>Examiner</b> TASHIANA ADAMS	<b>Art Unit</b> 3611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 1-20 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1,5,6,8-14 and 18-20 is/are rejected.
- 8) ☒ Claim(s) 13 and 14 is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 28 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The examiner notes that all references to date have been considered on the 4  
ids's but since we do not print search reports or office actions on the face of a  
patent, they have been strickenthrough.

### *Election/Restrictions*

1. Applicant's election without traverse of Species 1 in the reply filed on 8/24/11 is  
acknowledged.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that  
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in  
public use or on sale in this country, more than one year prior to the date of application for patent in  
the United States.

2. **Claims 1, 5, 8, 11-12, 18-20 are rejected under 35 U.S.C. 102(b) as being  
anticipated by Kanemura et al. (US Patent 5,174,172).** Kanemura et al. discloses a  
speed change controller for a saddle type vehicle(See Figs. 1-10), the controller-and  
comprising:a detection mechanism(13) configured to detects operation by a driver for  
speed change, and a speed change mechanism(32/18) that is configured to perform as  
speed change on the basis of a speed change operation detected by the detection  
mechanism, and wherein the detection mechanism comprises an operation  
part(12)including a moving part(34), which moves relative to the vehicle on the basis of

Art Unit: 3611

manipulation by a foot, and a detection unit(Sm) that detects that the moving part moves at least a predetermined amount.

3. With respect to claim 5, Kanemura et al. discloses wherein the moving part is supported to be able to swing in two different vertical directions, and the detection unit detects a direction, in which the moving part swings, and discriminates between shift-up and shift-down by the direction(See Fig. 1 & Specification Column 3, Line 65- Column 4, Line 26).

4. With respect to claim 8, Kanemura et al. discloses wherein the detection mechanism comprises a base that supports at least the moving part and the detection unit, and the base(31/33) is provided detachably on the vehicle(See Fig. 1).

5. With respect to claim 11, Kanemura et al. discloses wherein the moving part is configured to be movable by manipulation by a foot in two different directions with a predetermined neutral position therebetween(See Fig. 1 & Specification Column 3, Line 65- Column 4, Line 17), and .the operation part comprises a stopper(See Fig. where in the end connections of the link would restrict how far the sensor and link can move) that restricts a moving range of the moving part, which moves in either of the directions by manipulation by a foot.

6. With respect to claim 12, Kanemura et al. discloses wherein the detection mechanism comprises a base(31/33) that supports at least the moving part and the detection unit, and the stopper and the base is provided detachably on the vehicle.

7. With respect to claim 18, Kanemura et al. discloses speed change controller for a saddle-ride-type vehicle(See Figs. 1-10), the speed change\_controller comprising:

Art Unit: 3611

a detection mechanism(13) that detects operation by a driver for speed change, and a speed change mechanism(32/18) that performs speed change on the basis of speed change operation detected by the detection mechanism, and wherein the detection mechanism comprises an operation part(12) including a loaded part(12a), on which a load is applied by manipulation by a foot, and a detection unit(Sm) that detects the load applied on the operation part.

8. With respect to claim 19, Kanemura et al. discloses wherein the detection mechanism comprises a base(31/33) that supports the loaded part and the detection unit, and the base is detachably coupled on the vehicle.

9. With respect to claim 20, Kanemura et al. discloses wherein the detection mechanism is supported on a vehicle body frame of a saddle type vehicle(See Fig. 1)

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanemura et al. (US Patent 5,174,172) in view of Tatge(US Patent 2,617,505).**

Kanemura et al. discloses the controller set forth above, and wherein the moving part is configured to be movable by manipulation by a foot in two different directions with a predetermined neutral position therebetween(See Fig. 1 & Specification Column 3, Line 65- Column 4, Line 17), but does not disclose the operation part comprises a return

Art Unit: 3611

mechanism that automatically returns the moving part, which moves in either of the directions by manipulation by a foot, to the neutral position. Tatge discloses the use of a spring as a return mechanism for a pedal to neutral(See Fig. 3). At the time of the invention, it would have been obvious for one ordinary skill in the art to use a return mechanism on the controller of Kanemura et al. in view of the teachings of Tatge. The motivation for doing so would have been to assure accuracy of the sensor by having the device start at the same position each time and to assure that the detection unit is always returned to a non-compressed or stretched state.

12. With respect to claim 10, Kanemura et al. discloses wherein the detection mechanism comprises a base that supports at least the moving part and the detection unit, and the base(31/33) is provided detachably coupled to the vehicle(See Fig. 1), and the combination with Tatge discloses where the base would also support the return spring. The motivation for combining is the same discussed above.

13. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanemura et al. (US Patent 5,174,172) in view of Staker(US Patent 6,460,429).**

Kanemura et al. discloses the controller set forth above, but does not disclose wherein the detection unit comprises a rotation sensor that detects that the moving part moves a predetermined angle about a predetermined rotating shaft. Rotational sensors are well known in the art as evidenced by Staker(See Fig. 1), and one of ordinary skill in the art could have substituted the sensor of Kanemura et al. with a rotational sensor with no change in function. The motivation for doing so would have been to use a more sensitive sensor for accuracy purposes

***Allowable Subject Matter***

14. Claims 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TASHIANA ADAMS whose telephone number is (571)270-5228. The examiner can normally be reached on Tuesday - Friday 7:30 AM - 5:00 PM ( Every Monday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/591,560  
Art Unit: 3611

Page 7

/TASHIANA ADAMS/  
Primary Examiner, Art Unit 3611